

DEPARTMENT OF INDUSTRIAL RELATIONS  
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ADDRESS REPLY TO:  
Div. of Apprenticeship Standards  
P. O. Box 420603  
San Francisco, CA 94142-0603CALIFORNIA APPRENTICESHIP COUNCIL QUARTERLY MEETING  
MINUTES OF THE MEETING  
Sheraton Park Hotel, Anaheim  
October 30 – 31, 2008-Thursday – October 30, 2008**I. CONVENE REGULAR QUARTERLY MEETING TO ORDER IN ORDER TO RECESS TO EXECUTIVE SESSION**

CAC Chairperson Anne Quick called the meeting to order at 11:15 a.m.

**A. Roll Call**

The following Commissioners were present: Anne Quick, Carl Goff, Neil Struthers, Frank Secreet, Pat McGinn, Donna Bechthold, Marvin Kropke, Aram Hodess, Dina Kimble, Richard, Harris, Cedric Porter, Leo Garcia, Glen Forman, Acting Chief of DAS, and John Duncan, Director of DIR.

The following Commissioners were absent: Wayne Lindholm, Les DenHerder, and Jose Millan

**B. The meeting was immediately adjourned to the Executive Session.****II. RECONVENE QUARTERLY CAC MEETING****A. Pledge of Allegiance was led by Commissioner Kropke.****B. Approval of Minutes of previous meeting: July 31 – August 1, 2008**

It was moved and seconded that the minutes of the last CAC Quarterly meeting held on July 31 & August 1, 2008 be accepted as written. All were in favor; the motion carried.

**C. Announcements**

Acting Chief Glen Forman reported there are no announcements at this time.

Mr. Forman introduced The Administrator of Apprenticeship, John Duncan, and Director of Industrial of Relations.

Mr. Duncan presented the following brief progress and success report that had been made in the Department within the last year:

- In August the Department took some of the various Divisions, such as the State Mediation & Conciliation Service (SMCS), Apprenticeship, Division of Labor Standards Enforcement (DLSE), Division of Occupational Safety and Health (OSHA), self insurance plans, and Division of Workman's' Compensation (DWC) and put them into a strategic planning session.

The session focused on partnerships, service quality, and customer service, such as the website. In the session the Department put together an Advisory Committee on Public Works. The Committee held training sessions in Sacramento and Southern California and plans to hold another session next spring. Mr. Duncan encouraged everyone to attend.

- One of the biggest successes was the “I Built It” campaign. The kick off of the campaign was held at the Carpenter’s Training Committee of Northern California and various locations throughout the state.
- Director Duncan took part in the opening ceremony for the California Construction College. The program enables Apprentices to receive college credit for work experience received during their Apprenticeship. The Construction College is designed to attract both high school graduates and skilled workers.
- Mr. Duncan acknowledged Commissioner Jose Millan, Vice Chancellor, California Community Colleges for his role in the public/private partnership.
- The Labor Commission recently held a statewide inspection sweep on construction residential which found lack of workers’ compensation. The Economic Enforcement Coalition held 916 inspections and 247 citations.
- Mr. Duncan helped establish the Matching Records Program which matches records from the Employment Development Department with the Workers’ Compensation rating bureau. Their random findings of 1,000 sites showed 15% non-compliance without workers’ compensation within the last year.
- Taking the proper precautions and maintain them with follow up and appropriate training will help prevent tragedies such as that of a young female farm worker that stemmed from a heat death. California has the only regulation in the country to address this situation. He expressed that regulations are only as good as the compliance available and needs both educational presence and enforcement presence. He further expressed the need to partnership with both labor organizations and farm bureaus to get to those populations to know what the right thing is to do.
- CAL/OSHA conducted 1,698 outreach sessions this summer which reached 63,230 employers and employees across the state in both Spanish and English. CAL/OSHA also conducted 1,890 inspections looking for heat illness violations.

#### D. Communications

1. Letter from Jesus Fernandez, Painting and Drywall Industries Apprenticeship Trust asking to start a minimum industry training criteria for the Drywall Finisher occupation.
2. Letter from Sandra Benson, regarding the California Apprenticeship Coordinators Association’s Opposition to Proposal (s) to change 8 C.C.R. Section 208
3. Letter from Leo Garcia regarding boundaries and behaviors at CAC meetings and hearings.

Chairperson Quick asked for a motion to put Commissioner Garcia’s request regarding boundaries and behaviors at CAC meetings and hearings to the next CAC meeting. A motion was made. There was not a second to the motion and the motion died.

Comments from the public:

For the record, Sandra Benson, Weinberg, Roger & Rosenfeld stated that it was a heated discussion but it was in fact an opportunity for 100’s of apprentices whose very lives you people regulate. To come before a body of the Apprenticeship Council, who they rarely ever see, and to simply come up and speak in terms which were very intimate to them, because they were looking into cutting their wages.

It was an opportunity for them, not only to see government in action but to participate in government in action. She believes that they were very respectful. It is true that the room was very small, but she believes that it is something that needs to be taken care of at the stated level of trying to accommodate with larger rooms. She believes the audience itself and the participants were respectful, they came forward and spoke from their hearts and that the meeting was a very good meeting. It was a good meeting for the Commissioners and a good meeting for the apprentices and a good meeting for Apprenticeship society as a whole. She found it offensive to say that the meeting had hooligans in it or intimidation. Nothing could be further from the truth.

Other comments were made in agreement and disapproval of Commissioner Garcia's letter.

Comments were also given by Commissioners Dina Kimble, Pat McGinn, and Cedric Porter on the Blue Ribbon Committee meeting that was held in Fresno. In his own defense, Commissioner Millan gave an overview of how he conducted the meeting, and at times how he tried to bring order in light of the unanticipated large attendance by Apprentices and their need to have their voice heard.

- E. Nominating Committee to appoint a new CAC Chairperson for 2009. Chairperson Quick appointed the following Commissioners as the nominating Committee: Commissioner Hodess, Commissioner Porter, and Commissioner Bechthold.

#### **Thursday – October 30, 2008 (continued)**

### **III. BUSINESS SESSION**

#### **A. Legal Matters**

1. OATELS – De-recognition Proceedings 29 CFR 29.13  
Julian Standen, Attorney General's office gave the following report: Administrative proceedings before the United States Department of Labor. The question is to whether to appeal that decision to the Federal District Court. In past meetings the Council has voted to defer that decision to the next meeting. Mr. Standen suggests that the Council to adopt that decision today, to defer the decision to the next meeting on whether to appeal.  
A motion was made.  
It was moved and seconded that the Council adopt the decision and to defer the decision to the next meeting on whether to appeal. All were in favor; the motion carried.
2. Plasterers Union 200 v CAC  
Julian Standen, Attorney General's office. The matter is set for hearing on December 8, 2008 in San Francisco. No action is required by the Council on that matter.
3. Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic Joint Apprenticeship and Training Committee. Case #: CPF – 08-508135  
Julian Standen, Attorney General's office. On September 9, 2008 the trial court issued an order setting aside the councils decision approving the expansion into Kern County and remanding the matter to the Council for further considerations.

Summarization: the trial court concluded that the Council had not properly applied the needs standard in Labor Coded Section 3075(b) (2). The council must reconsider the application for expansion into Kern County in light of the trial courts decision. The council now must decide how to respond to the trial courts decision.

Commissioner Hodess made a motion, that in light of the ruling from the Superior Court that “further indentureship into the program be prohibited and that there be a review by the appeals committee of the decision at a hearing as soon as possible”. It was moved and seconded that further indentureship into the program be prohibited and that there be a review by the appeals committee of the decision at a hearing as soon as possible. All were in favor; the motion carried.

## B. CAC Appeal Panel Decisions

1. Sheet Metal Workers Local 104 and Bay Area Industry Training Fund, the Sacramento Valley Sheet Metal J.A.T.C. and the Fresno Sheet Metal J.A.T.C. vs. the DAS Approval of the expansion of Geographic Area of Operations for the Air Conditioning Trades Association UAC/CAC Appeal 2008-C2

Chairperson Quick asked appeal panelist, Commissioner Kimble to read the decision again. Fred Lonsdale, Legal Counsel, Office of Legal Unit, mentioned that at the last CAC meeting, as the appeal decision was read the decent was read and then corrected and believes the minutes did not pick up the fact that the correction was made.

A motion was made and seconded to modify the minutes to reflect that the correction was made.

The minutes have been corrected, approved and are posted on the DAS website. Commissioner Struthers stated that at the last CAC he asked to defer this issue to the next CAC meeting until the Council had sufficient time to read the briefs that were written. He asked to open discussion to public comment in order to hear from both the appellant and respondent before the Council takes any further dialogue.

Mark Renner, Wylie, McBride, Jesinger, Platten & Renner; representing the Sheet Metal appellants. Renner’s Mr. Renner asked the Council to consider opposing the decision.

Robert Fried, Atkinson, Andelson, Loya, Ruud & Romo, spoke on behalf of ACTA and asked the Council to consider the interests of other Programs apart from ACTA.

Commissioner Kimble asked Mr. Fried for clarification that based on the recent ruling in the PHCC case, ACTA is fine with sending the appeal back to the appeals panel for reconsideration. Mr. Fried responded that it is his recommendation.

Ms. Kimble made a motion to remand the appeal to the appeals panel to find more information as related to the PHCC case.

A motion to remand the appeal to the appeals panel to find more information as related to the PHCC case was made by Commissioner Kimble and seconded by Commissioner Bechthold. The motion was carried.

Commissioner Struthers posed the question to Mr. Fried if ACTA is considering modifying their request for expansion, providing additional data and documentation and proof about “need” in each of the 54 counties. Mr. Fried responded that he felt it premature to answer at this time and would like to see what occurs in the processing in the PHCC matter and with the respect to the court.

Mr. Struthers asked his question in a different way; “PHCC was one county, Kern County, we are talking 54 counties, what PHCC has to do to provide the burden of proof to expand is one thing. What you have is 54 times that. What I am asking is, is there a way that you can reconsider, because I think it is in your best interest from a time perspective, that maybe you could just start over again and reapply than try to provide the burden of proof to expand in the 54 counties”. Mr. Fried responded that he would like to see what transpires with PHCC and hearings that are held and the way the court responds to it.

Mr. Struthers stated that although he understood he is speaking on a motion, he is not in favor on granting approval to ACTA at this point or possibly in the future based on the data on the decision around “need”.

Robert Hansen, Director of Contract Compliance for Sheet Metal Workers Local 104, asked to consider how the organization has operated in the past and to look at the their commitment to training and the programs and the apprentices they turn out.

After asking for the motion to be repeated Mr. Struthers stated that his question is a procedural and legal one, and it is directed both at the attorneys and also at ACTA’s legal counsel. By regulation this body has to make a decision within two meetings of the Chief’s decision for approval. Once again sending it to the appeals panel, we miss that deadline. Mr. Struthers wants to ensure that there is not some head fake, where there is a procedure where the Council has not done what they are suppose to do and by default ACTA gets approved.

Mr. Fried stated that ACTA agrees to waive the specific 30 day response decision period that is implicit in the regulation.

C. Apprentice Complaint Findings / Decisions by the Administrator of Apprenticeship

1. Acting Chief Glen Forman made the following report:
  - a. Seven Complaint Findings/ Decisions by the Administrator of Apprenticeship. Three have been appealed to the CAC.

D. Automatic Orders of the Council

1. None at this time

E. Notice of Appeals to the Council During the Quarter

1. Paul Madronich vs. United Association Local 342, J.A.T.C.
2. Sheldon Huntingdon vs. Joint Apprenticeship Committees of the Plumbing and Pipefitting Industry U.A. Local 38.
3. Sheet Metal Workers International Association Local Union 162 & 105 vs. Air Conditioning Trades Association UAC

Madam Chair Anne Quick appointed Commissioners Les DenHerder, Donna Betchold, and Frank Secreet as the appeal panelists.

F. DAS Audit Reports – Rachel Freeman, DAS Senior Audit Consultant.

- Ms. Freeman introduced the following two auditors for the area: Alma Venable of the Greater Los Angeles area and Sal Trujillo of the Southern, Los Angeles area auditor, and San Diego.
- The Audit Unit is continuing their work with the Department of Finance. Through these efforts the unit is ready to introduce a newly developed streamline process

with work papers and reporting forms. The Department of Finance will provide the unit with training in Sacramento on November 13<sup>th</sup>. It is the intent of the Audit Unit to be more comprehensive with less review time.

- DAS held a North and South All Staff meeting and the Audit Unit presented their future plans of a proposal that the District Office Consultants do all the follow ups v. the Auditors. This will be implemented after the training in Sacramento.
- Commissioner McGinn made a request to the Audit Unit to present a summary of Related Supplemental Instruction deficiencies that have been discovered in the audits.
- The Audit Report can be found in the Chief's Report.

#### G. Old Business

##### 1. Minimum Industry Training Criteria Committee Reports

###### a. Painting Industry

Acting Chief Glen Forman reported that DAS is in the process of ensuring that the number of North and South Merit Shop/Union Shop and employers to make up the committee.

##### 2. Rule-Making

- ###### a. Approval of proposed changes to Title 8, CCR Chapter 2, Part IV, Section 230.1 and submission to Office of Administrated Law

Julian Standen, Attorney General's office reported that what is before the Council now is the question of whether to approve the new version of the proposed regulation 230.1. If the Council does approve the amendments he would ask for an order directing the Attorney Generals office to finish the rule making process and that would include providing OAL with responses to the comments that the Council received about the regulation. Those responses would be in accord with the Councils approval of the regulation. A motions needs to be made if the Council wishes to approve the regulation and to complete the rule making process.

A motion was made to approve the new version of the propose regulation 230.1 and to complete the rule making process. It was moved by Commissioner Hodess and seconded. The motion was carried.

##### 3. Electrician Certification

###### a. Status Report – Glen Forman

Mr. Forman reported there is no action required from the CAC at this time.

#### H. New Business

##### 1. Minimum Industry Training Criteria Committee Reports

###### a. Drywall Finisher Industry

Acting Chief Glen Forman reported that DAS will send letters to the Drywall Finishers Programs. Anyone that would like to volunteer early please send an e-mail stating that you would like volunteer someone for the committee to Mr. Forman at [GForman@dir.ca.gov](mailto:GForman@dir.ca.gov).

## IV. APPRENTICESHIP FORUM

- A. Health and Safety; Ken Johnson, Superintendent for Energy, Safety, & Work Practice Compliance of the Imperial Irrigation District. Topic of discussion; Energy and Safety in the Construction Industry.
  - Mr. Johnson gave a detailed hands-on presentation on how electricity works and the safeguards one should take.

## **ADJOURN**

Meeting adjourned at 4:35 p.m.

## **FRIDAY – October 31, 2008 (continued)**

### **REGISTRATION**

#### **I. RECONVENE QUARTERLY CAC MEETING TO ORDER**

- A. Pledge of Allegiance
- B. Roll Call

The following Commissioners were present: Anne Quick, Carl Goff, Wayne Lindholm, Neil Struthers, Frank Secreet, Pat McGinn, Donna Bechthold, Marvin Kropke, Aram Hodess, Dina Kimble, Richard, Harris, Cedric Porter, Jose Millan, Leo Garcia, Glen Forman, Acting Chief of DAS, David Rowan for John Duncan, Director of DIR.

The following Commissioners were absent: Les DenHerder

- C. Announcements  
Nothing to report at this time.
- D. Communications  
Nothing to report at this time.

#### **II. CAC STANDING COMMITTEE REPORTS**

- A. CAC/CCA Liaison Committee – Report from October 29, 2008 – Chairperson Don Davis  
No one from the committee was available to present a report.
- B. Forum Committee – Report from October 29, 2008 – Commissioner Garcia standing in for Chairperson Wayne Lindholm
- C. Related Supplemental Instruction Committee – Report from October 29, 2008 - Chairperson Patrick McGinn
- D. Legislation Committee – Report from October 29, 2008 – Chairperson Dina Kimble
- E. Blue Ribbon Committee – Reports from September 30, 2008 & October 29, 2008 – Chairperson Jose Millan

- F. Public Relations & Publicity Committee Report from October 30, 2008 – Chairperson Cedric Porter
- G. Equal Opportunity in Apprenticeship Committee – Report from October 30, 2008 – Commissioner Kimble standing in for Chairperson Jose Millan
- H. Standards, Rules, Regulations & Operating Procedures – Report from October 30, 2008 – Chairperson Aram Hodess
- I. Report of Nominating committee.  
Commissioner Porter announced that the nominating committee submits the name of Carl Goff for consideration of the CAC Council for nomination for the Chair of the 2009 CAC.  
It was moved and seconded that Commissioner Goff be appointed as Chair of the 2009 CAC. All were in favor; the motion carried.  
Mr. Goff thanked the nominating committee for his appointment.

### **FRIDAY – October 31, 2008 (continued)**

### **III. EDUCATION AGENCIES REPORT**

- A. California Department of Education – John Dunn
- Mr. Dunn reported the success on the Road Shows that were held in September and is looking forward to conduct another one in the spring.
  - The Department is underfunded by 600,000 hours this year.
  - The Department is also working on improving communications to the LEAs and apprenticeship coordinators.
  - Mr. Dunn is testing out Constant Contact, an e-mail newsletter format and looking forward to using it the future.
  - Mr. Dunn has been collaborating with Renee Bacchini in getting information out to the high schools and the middle schools. The Department of Education as a data base through the CD press and will speaking to them about using their data base to get the information out to the schools.
  - SB70Career Technical Education initiative which is a collaboration between the Community Colleges and the Department of Education to create career technical education from 7<sup>th</sup> & 8<sup>th</sup> grade and all the way into the community colleges. The department is looking to see where they can bring apprenticeship together with SB 70.
  - Commissioner Millan mentioned that the David Meltzer of the Department of Education had been working with the Community College Statewide Academic Senate to develop a website that specifically targets the 14 – 18 year old population to get them interested in Career Technical Education programs. Mr. Millan suggested putting an apprenticeship link into that website. Mr. Millan also mentioned that the Student Aid Commission recently received \$1M to do outreach specifically to the K-12 population to interest them in Career Technical Education programs.



- The Advisory Committee met in September to help the LEAs and Sponsors to share ideas and talk about different issues in the apprenticeship program with the CD.

**B. California Community Colleges – Barry Noonan**

- Mr. Noonan had the opportunity to attend the California Construction College representing Vice Chancellor Millan and Chancellor Woodruff. One of the aspects of the Construction College deals with tying together Santa Clara and San Benito Counties making sure all the students and the secondary schools who have an interest in the construction trades will in fact be noted and be brought into having the construction college experience.
- Mr. Noonan presented the CCC Related and Supplemental Instruction Report (See Attached)
- Mr. Noonan reported on going meetings with Stephanie Leach and Renee Bacchini on the Health Care Construction.
- At the Apprenticeship Summit at Los Angeles Valley College Renee represented DAS and Mr. Noonan represented California Community Colleges. Katie Kegan, Prison Health Care attended the Summit as well and as a result of the presentations given by Ms. Bacchini and Mr. Noonan she contacted Ms. Bacchini and asked to have a Psychiatric Technician Apprenticeship Program at Delta College. Mr. Noonan will be meeting with the President of Delta College along with Ms. Keagan and her assistant. Ms. Keagan would also like to see a Licensed Vocational Nurse Apprenticeship program at Southwestern College and at Solano Community College.

- C.** Commissioner Struthers gave a brief overview and presentation on the California Construction College. The California Construction College was created through the National Labor College and the San Jose City College. A program will be available to receive college credit for Apprenticeship experience, training and work experience training up to 70 credits and earn a four year-college degree. The college is in the process of developing a curriculum for a Construction Management Degree program catering to employers. This program is the first of its kind and would like to make it available to any Community College in the State.

**IV. REPORTS OF ADMINISTRATIVE and COOPERATING AGENCIES**

- A. Division of Apprenticeship Standards – Chief’s Report (See Attached)
- B. Office of Apprenticeship (OA)
- C. California Apprenticeship Coordinators Association (CACA) (See Attached)
- D. CA Association for the Advancement of Apprenticeship Training (CAAAT) (See Attached)
- E. Women in Non-Traditional Employment Roles (W.I.N.T.E.R.)

**ADJOURNMENT**

The meeting adjourned at 11:30 a.m.